

- CITY OF BIGGS -
PLANNING DEPARTMENT STAFF REPORT

465 C Street /
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Biggs, CA 95917

PHONE: (530) 868-5493
FAX: (530) 868-5239

DATE: June 12, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Scott Friend, AICP City Planner

SUBJECT: Butte County Abandoned Vehicle Abatement Authority – Letter of Support for Program Reauthorization.

Report Summary:

Staff is requesting the City Council approve a Letter of Support for the continuation of the Butte County Abandoned Vehicle Abatement Authority (AVA) and placement of an item on the November 6, 2012 general election ballot.

Background - General:

The Butte County Abandoned Vehicle Abatement (AVA) program was started on August 1, 2003. The program term was ten years with the program set to expire as of July 31, 2013. Program administration staff at the County has confirmed with the Department of Motor Vehicle (DMV) that unless the program is reauthorized prior to its planned expiration date, the program will disappear. At this time, the County is planning on placing a question on the November 6, 2012 general election ballot seeking voter authority to continue the program. As part of this effort, the County has requested that each of the participating cities within the County provide a letter of support by June 12th supporting the continuance of the AVA program.

Discussion – General:

The abandoned vehicle abatement program, administered by the California Highway Patrol, was initiated as a program to provide funding to county governments and local government agencies to remove abandoned vehicles that create a public nuisance and a health or safety hazard. Currently, there were thirty-seven counties in the State of California participating in the AVA Program. The program is administered by each participating County and funds are distributed to local agencies on the basis of population (% of total county population) and total vehicles towed (reimbursement). The program is funded by a \$1 surcharge on each vehicle registration. Pursuant to the requirements of Proposition 26, it has been determined that the program is a fee requiring authorization by the electorate of each County and that a vote is required to continue to the program. The next general election is scheduled for November 6, 2012. In order to place this item on ballot, the Butte County Board of Supervisors will be discussing the placement of this item on the ballot at their meeting on June 26th.

At this time, County staff will be recommending to the Board that this item be placed on the ballot in November and is seeking Letters of Support from the cities in the County supporting this action. To this

end, staff has prepared a draft Letter of Support for consideration by the City Council expressing the City's support for the placement of this item on the November ballot.

Fiscal Impact:

The City of Biggs has receives approximately \$2,400 per year from the Butte County AVA program and is eligible for reimbursement for costs associated with actions to remove nuisance vehicles from the community. Discontinuance of this program would result in a loss of funds to the City. All costs associated with the placement of this question on the ballot will be covered by existing AVA program funds. No additional or new costs will be incurred by the City of Biggs for this effort.

Public Comment/Input:

None Received.

Staff Recommendation:

Staff recommends that the City Council approve the attached Letter of Support to the Butte County Board of Supervisors supporting the re-authorization of the Butte County AVA program and supporting the placement of an initiative on the November general election ballot to re-authorize the program.

Attachments:

- Attachment A* - Draft Letter of Support
- Attachment B* - AVA Program Effectiveness Report – FY 2010-2011
- Attachment C* - County Service Authority Program Extension Memo



CITY OF BIGGS

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June 8, 2012

Honorable Chairman and Members of the Butte County Board of Supervisors
25 County Center Drive, Ste. 200
Oroville, CA 95965

Subject: Re-Authorization of the Butte County Abandoned Vehicle Abatement Program

Dear Chairman Connelly and Members of the Board:

The purpose of this letter is to express support on behalf of the City Council of the City of Biggs for the re-authorization of the Butte County Abandoned Vehicle Abatement (AVA) Program and to support the County's consideration of a proposal to place this matter on the November 6, 2012 general election ballot. It is the position of the City Council of the City of Biggs that placement of this matter on the November ballot will provide an opportunity for the citizens of the City of Biggs and the County of Butte to determine the need and desire for the continued existence for the program in furtherance of its overall goals. The City Council of the City of Biggs believes that the AVA program has been a beneficial tool for the City in its efforts to remove vehicles which constitute a nuisance or public health hazard to the City's residents and supports the County's efforts to re-authorize the program.

Sincerely,

Roger Frith, Mayor
City of Biggs

Butte County Abandoned Vehicle Abatement Program

City of Biggs

City of Chico

City of Gridley

City of Oroville

Town of Paradise

County of Butte

Service Authority Report on the Effectiveness of the Joint Powers Authority

FY 10-11

The Butte County Joint Powers Service Authority of the Butte County Abandoned Vehicle Abatement Program is required to report annually on the effectiveness of the Authority. This report is submitted to meet that requirement with subsequent reports to be issued within 120 days after the close of each fiscal year.

The Butte County Abandoned Vehicle Abatement Program is funded by the collection of \$1 for every vehicle registered in Butte County. The State began collecting these fees in recognition of the establishment of the Butte County Abandoned Vehicle Abatement Program in August of 2003.

Payments are collected by the DMV, routed through the State Controller's Office, and after deducting an administrative fee, are passed on to the Butte County Auditor's Office (which functions as the Auditor-Controller for the Butte County Abandoned Vehicle Abatement Program) within two months after the end of each fiscal year quarter.

Disbursement of those funds, plus any accrued interest, is made to each of the jurisdictions comprising the Butte County Abandoned Vehicle Abatement Program, namely, Biggs, Chico, Gridley, Oroville, Paradise and the County of Butte. Each jurisdiction has an abandoned vehicle abatement program and is required to report activity to the Butte County Abandoned Vehicle Abatement Program.

An administrative fee of 5% is disbursed to Butte County Development Services for the staff support services provided to the Butte County Abandoned Vehicle Abatement Program. This fee is intended to cover the cost of work done by Development Services employees and staff of other County Departments who subsequently make charges to the Department of Development Services for the work they do related to the Butte County Abandoned Vehicle Abatement Program.

The remainder of the funds are divided in half with one half paid to each jurisdiction quarterly based upon their percentage of population. The remaining half is paid to jurisdictions reporting tows for the quarter, by calculating the percentage of tows made by each jurisdiction during the quarter.

Attached are charts showing detail as to funding, disbursement of funds based on percentage of population and percentage of vehicle abatements demonstrating the effectiveness of the Joint Powers Service Authority for FY 10/11. Audits, as required by the program, have been conducted successfully.

The Joint Powers Service Authority has had progressive success in getting full abatement participation from each of the jurisdictions. Some jurisdictions have received payments based upon their percentage of population, which is the required formula for distribution of one-half of the funding. The remaining half of the funding, for vehicle abatements, is prorated among those jurisdictions performing abatements for each quarter. The funds are restricted and may be used only for Abandoned Vehicle Abatement program activities and The Joint Powers Service Authority has addressed payments to non-participating jurisdictions at their meetings. The Joint Powers Service Authority addresses participation issues, including attendance at semi-annual meetings on a routine basis.

There has been a clarification issued by the California Highway Patrol allowing vehicles that are tagged for abatement to be counted as an "abatement" if they are removed by the owner prior to being towed. This likely will increase numbers of abatements for some jurisdictions, which have not been counting these owner-abated vehicles as abatements.

Overall, the Joint Powers Service Authority has been very successful abating 5,456 vehicles as follows:

	Fiscal Year							
	04	05	06	07	08	09	10	11
Abatements	531	975	901	1,117	633	528	449	322

The drop in the number of vehicle abatements has been attributed to the effectiveness of the program as well as the lucrative scrap metal business where vehicle owners are actually being paid to have their vehicles removed.

Sang Kim, Chair
Butte County Abandoned Vehicle Abatement
Joint Powers Authority

Date

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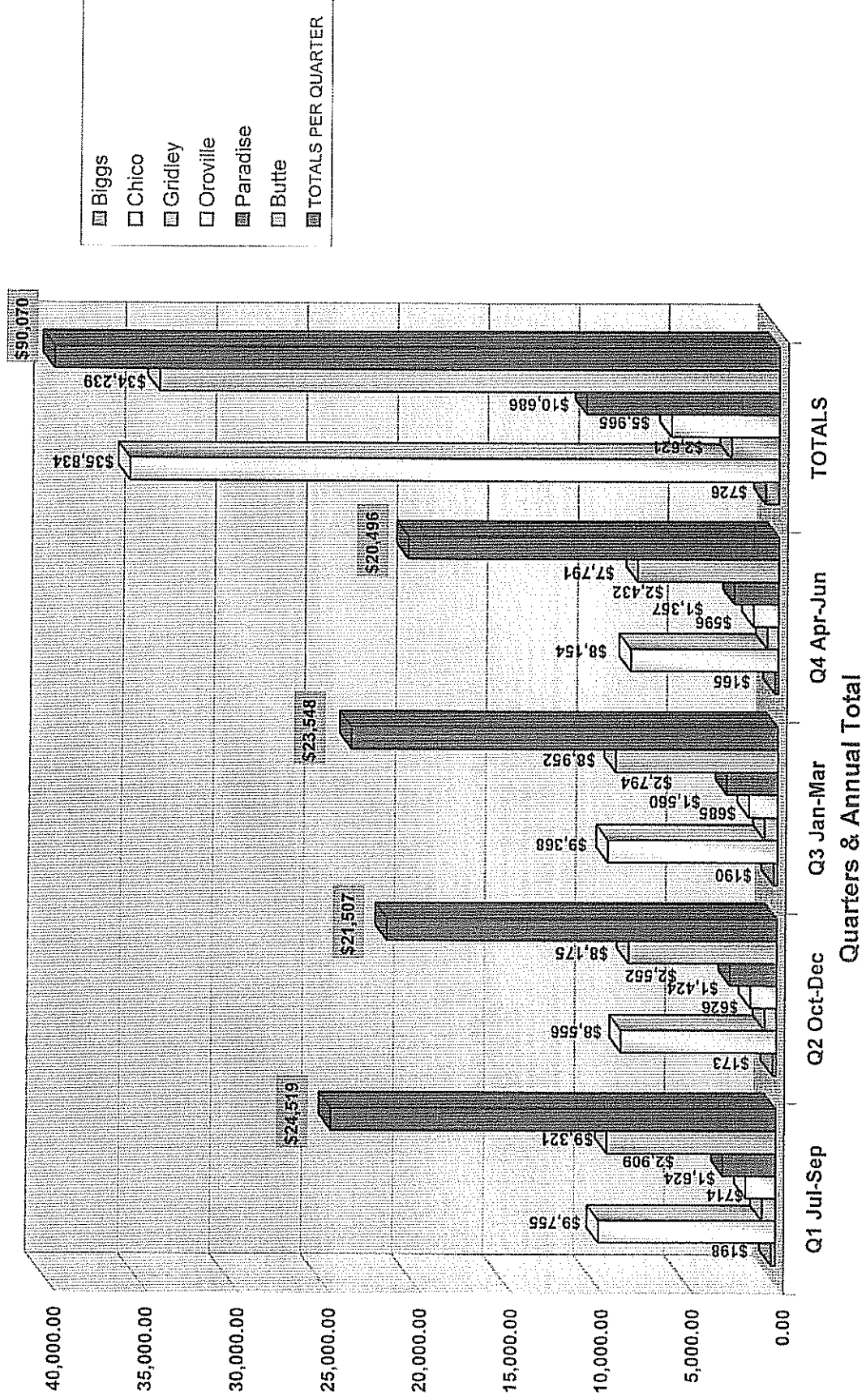
	Fiscal Year						
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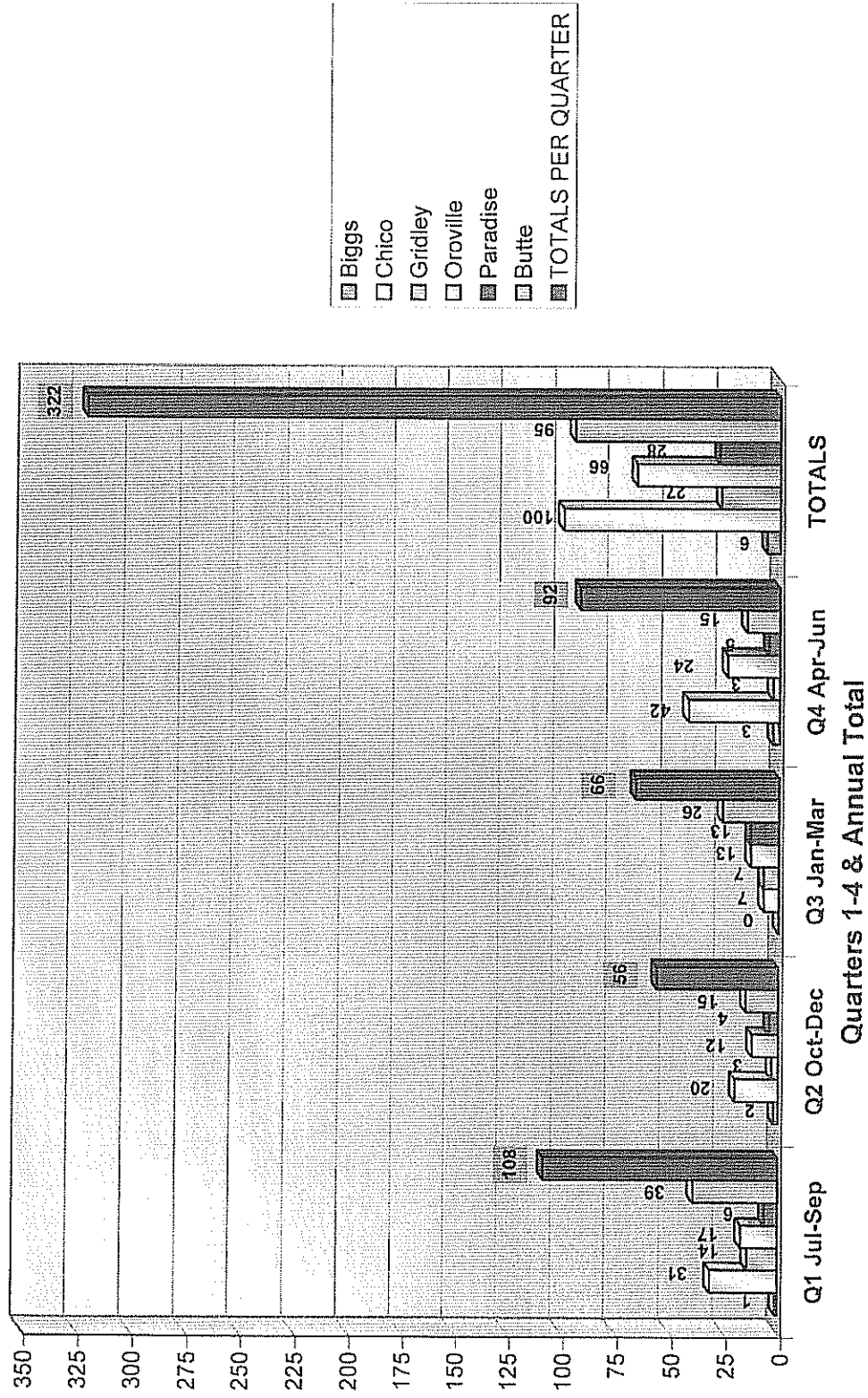
Sang Kim, Chair
Butte County Abandoned Vehicle Abatement
Joint Powers Authority

Date

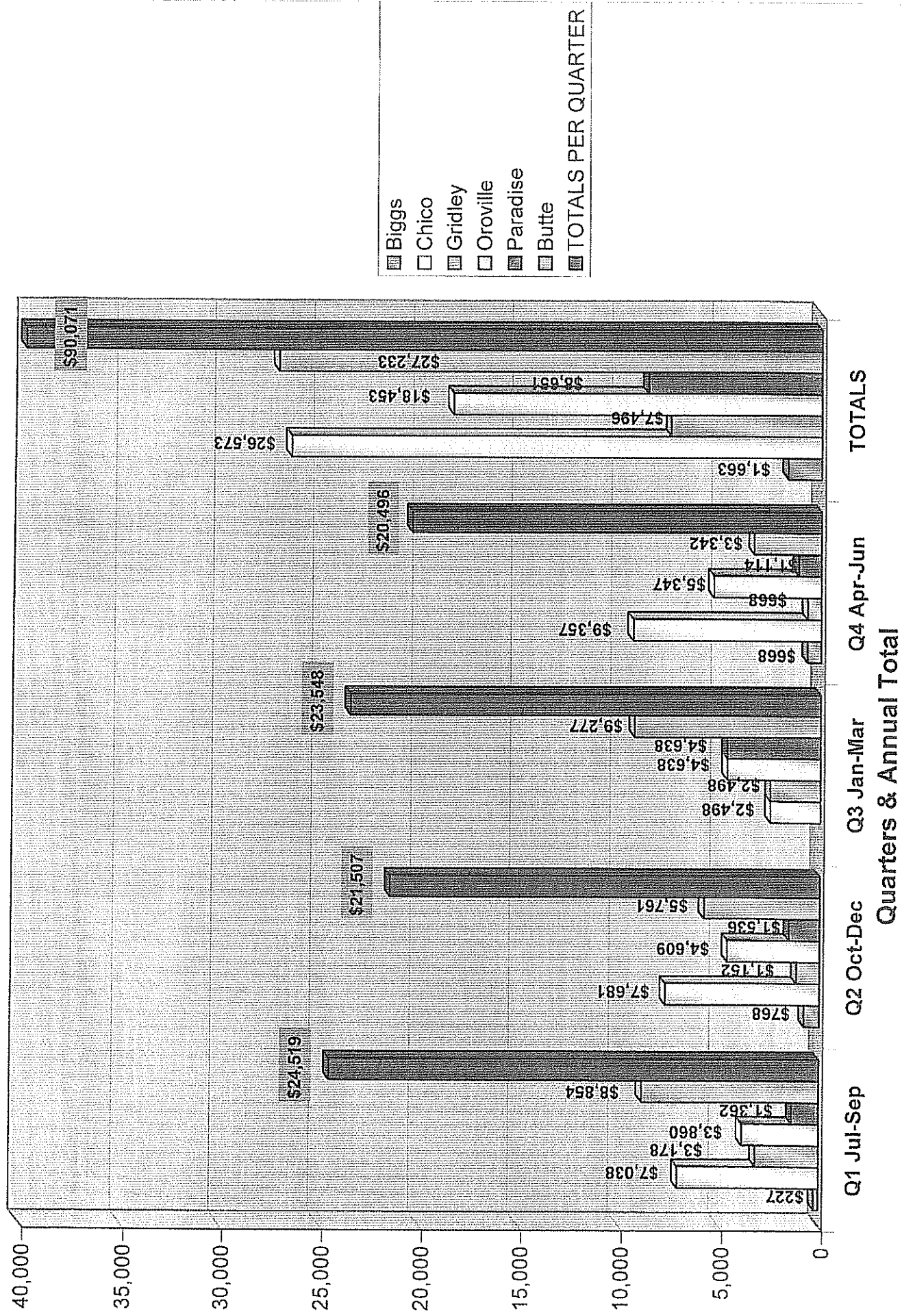
FY 10-11 AVA Population Funding



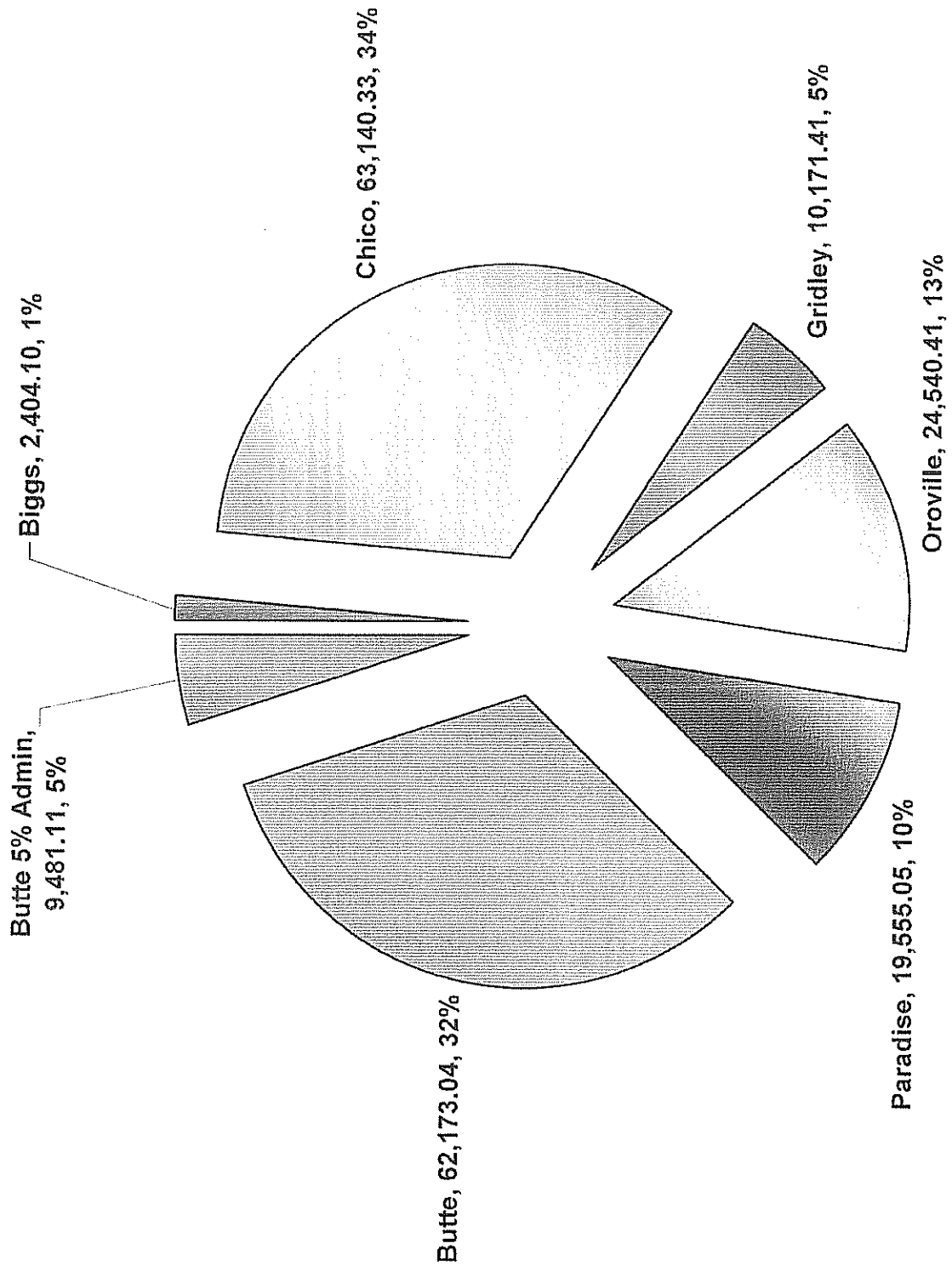
FY 10-11 VEHICLE ABATEMENTS



FY 10-11 Funding Based on Number of Abatements

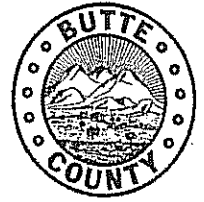


AVA Funding Distribution FY 10-11



Butte County Department of Development Services

TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR




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ADMINISTRATION * BUILDING * PLANNING

MEMORANDUM

TO: Abandoned Vehicle Abatement Service Authority

FROM: Pete Calarco, Assistant Director 

SUBJECT: AVA Program Expiration and Extension

DATE: May 17, 2012

County staff confirmed with the Department of Motor Vehicles that the Butte County AVA program started on August 1, 2003. The program term is ten years with an expiration date of July 31, 2013. DMV will send Butte County a letter in September of this year asking for the intent to continue the program. We are required to respond with our intent by December 31, 2012. If we intend to continue, the program must be extended before July 31, 2013. DMV staff indicated that Butte County is in a group of six other counties with the term ending in 2013. These counties are Alameda (May 2013), Butte (July 2013), Calaveras (July 2013), Imperial (March 2013), San Francisco (May 2013) and San Mateo (May 2013).

Questions among Counties had been raised last year when they were extending their AVA programs as to the applicability of Proposition 26 due to the \$1 tax on vehicle registration. Proposition 26 requires that certain state and local fees be approved by two-thirds vote. Fees include those that address adverse impacts on society or the environment caused by the fee-payer's business. Of the 20 Counties that have already extended their program, three (Humboldt, Mendocino and San Diego) have determined that a vote is required under Proposition 26. Butte County agrees that a vote is required in compliance with Proposition 26. The next available election is November 6, 2012.

Staff will present a recommendation to the Board of Supervisors at their June 26 meeting to consider placing the issue on the November ballot. Staff would like a position statement from each City/Town Council or Manager in regards to extending the program for presentation to the Board of Supervisors. Letters received by June 12 can be included in the agenda materials for the Board.

Below is an outline of key dates regarding the AVA program extension and the basic steps for the ballot measure.

Key Dates:

May 21, 2012	Staff briefing of the JPA regarding the extension issue and request of Cities/Town to prepare a written position in support of an extension or expiration by June 12.
June 12, 2012	A position statement from City/Town Councils or City/Town Managers indicating support for extension or expiration of the program. This information will be presented to the Board of Supervisors on June 26.
June 26, 2012	Butte County Board of Supervisors Meeting to discuss placing the extension on the November ballot.
August 10, 2012	Proposed ballot measures are due to the Butte County Election's Office for the November election.
September, 2012	Butte County will receive a letter from DMV asking for intent to continue program.
November 6, 2012	Election Day.
December 31, 2012	Butte County's response to DMV regarding intent to continue program is due.
July, 31, 2013	Butte County AVA program expiration date. The program must be extended before this date.

If you have any questions, please contact Pete Calarco at 538-2167 or email at pcalarco@buttecounty.net. Thank you.